

**TOWN OF DAVIE
REGULAR MEETING
JULY 14, 2004**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:02 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Truex, Vice-Mayor Paul, and Councilmembers Hubert and Starkey. Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting. Councilmember Crowley was absent.

Councilmember Hubert made a motion, seconded by Councilmember Starkey, to excuse Councilmember Crowley. In a voice vote, with Councilmember Crowley being absent, all voted in favor. (Motion carried 4-0)

Mayor Truex announced that item 3.6 needed to be tabled.

Vice-Mayor Paul made a motion, seconded by Mayor Truex, to table to August 18, 2004. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

Mayor Truex advised that item 3.8 needed to be tabled.

Councilmember Starkey wished to take this item off the Consent Agenda for Council to discuss. Vice-Mayor Paul indicated that she needed more time to read the backup documentation first. Councilmember Starkey was not in favor of tabling the item and wanted Councilmember Crowley to have the option to hear this discussion and voice his concerns. Councilmember Starkey suggested holding off on this item until Councilmember Crowley arrived. Mayor Truex concurred.

Mayor Truex announced that item 3.19 needed to be added.

Vice-Mayor Paul made a motion, seconded by Councilmember Hubert, to add. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

3. APPROVAL OF CONSENT AGENDA

Minutes

- 3.1. April 15, 2004 (Workshop meeting)
- 3.2. April 21, 2004 (Workshop meeting)
- 3.3. April 21, 2004 (Regular meeting)
- 3.4. April 27, 2004 (Special meeting)
- 3.5. April 28, 2004 (Emergency meeting)

Resolutions

- 3.6. **SETTLEMENT AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE A STIPULATED SETTLEMENT AGREEMENT WITH FORMAN INDUSTRIAL LAND, LLC PERTAINING TO CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT CASE NUMBER 03-020380(02); AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from June 16, 2004)

TOWN COUNCIL MINUTES
JULY 14, 2004

- 3.7. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-162 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN
LONG LAKE RANCHES HOMEOWNERS ASSOCIATION, INC. AND THE TOWN
OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.
- 3.8. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-163 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN
ARISTA PARK CONDO ASSOCIATION AND THE TOWN OF DAVIE POLICE
DEPARTMENT FOR TRAFFIC CONTROL.
- 3.9. **CHANGE ORDER** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-164 AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NUMBER 2 TO
THE CONTRACT BETWEEN THE TOWN AND BUDGET CONSTRUCTION CO.,
INC. FOR THE ALIGNMENT OF SW 136 AVE. AND SW 14 ST. INTERSECTION.
(\$31,472.50 increase)
- 3.10. **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING
R-2004-165 THE PLAT KNOWN AS "FLAMINGO RANCH ESTATES" AND AUTHORIZING
THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY
AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT;
AND PROVIDING AN EFFECTIVE DATE. (P 10-1-03, Flamingo Ranch Estates,
11900 SW 14 Street) *Planning and Zoning Board recommended approval*
- 3.11. **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING
R-2004-166 THE PLAT KNOWN AS "LAY-SANCHEZ RANCHES" AND AUTHORIZING THE
MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY
AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT;
AND PROVIDING AN EFFECTIVE DATE. (P 12-1-03, Lay-Sanchez Ranches, 2320
SW 127 Avenue) *Planning and Zoning Board recommended approval*
- 3.12. **DELEGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-167 APPROVING A DELEGATION REQUEST TO REVISE A NON-VEHICULAR
ACCESS LINE ON THE PLAT KNOWN AS THE Y.A.F. PLAT TO
ACCOMMODATE THE TOWN OF DAVIE OAKES ROAD FIRE RESCUE
STATION; AND PROVIDING AN EFFECTIVE DATE. (DG 3-2-04, Oakes Road Fire
Station, 4491 Oakes Road)
- 3.13. **OPPOSITION** - A RESOLUTION OF THE TOWN OF DAVIE OPPOSING AN
R-2004-168 AMENDMENT TO THE FLORIDA CONSTITUTION THAT WOULD RAISE
FLORIDA'S HOMESTEAD EXEMPTION TO \$50,000.

**TOWN COUNCIL MINUTES
JULY 14, 2004**

- 3.14. **GREENWAY SYSTEM MAP - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, REQUESTING THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS PLACE A RURAL GREENWAYS "LOOP" ON BROWARD COUNTY'S POTENTIAL GREENWAY SYSTEM MAP IN ORDER TO AVOID A POTENTIALLY SERIOUS TRAFFIC CONFLICT AT THE 6 LANE GRIFFIN ROAD'S GREENWAY CROSSING OVER I-75; REQUESTING THAT BROWARD COUNTY JOIN THE TOWN OF DAVIE AND SOUTHWEST RANCHES FOR TRANSPORTATION ENHANCEMENT FUNDS MADE AVAILABLE FROM EITHER BROWARD COUNTY'S LAND PRESERVATION TRUST OR THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), DISTRICT FOUR; AUTHORIZING THE TOWN CLERK TO TRANSMIT THIS RESOLUTION TO CONCERNED PARTIES; AND PROVIDING AN EFFECTIVE DATE.**
R-2004-169

Site Plans

- 3.15. SP 10-1-02, Rancho Alegre, 2801 SW 148 Avenue (A-1) (tabled from May 5, 2004) *Site Plan Committee recommended approval based on the planning report and 1) that homeowners association documents be provided to staff prior to the Town Council; 2) show the house and the drive on lot four if the house is to remain, if it is to be demolished, then indicate it as such; 3) that the developer will put in the drive coming off 148th Avenue which will be shared by lots one and two; 4) that on lot three, the driveway will be held back a minimum of 150 feet from the property line at 148th Avenue; 5) that irrigation will be provided for at the main entrance; 6) that at the dead end hammerhead, each 12-foot wide drive will extend 75 feet from the center line of road going north and south, making it a 150 foot long turn around; and 7) if the water and sewer becomes available within one year of the Town Council's approval, and if it is within one-quarter of a mile of this property, the developer will provide it to each site*
- 3.16. SP 4-7-04, Ashley Furniture at Muvico, 15601 Sheridan Street (PUD, Broward County) *Site Plan Committee recommended approval based on the planning report and the following three items:: 1) that the Royal Palms at the perimeter of the building be increased to 15-foot grey wood; 2) that the driveway at the east side of the building be reduced to a 16-foot wide one way and move the building east to try and get 14 feet of planting areas on both the east and west sides of the building; and 3) that the elevations show the loading dock canopies*

Temporary Use Permit

- 3.17. TU 6-1-04, Luke's Place, 3558 South University Drive (motorcycle show)

Item to be tabled

- 3.18. **STAFF REQUESTING A TABLING TO AUGUST 18, 2004**
CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN ADMINISTRATOR TO EXECUTE THE CONTRACT FOR SALE AND PURCHASE FOR THE PARCELS KNOWN AS SUNNY LAKE; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from June 16, 2004)

TOWN COUNCIL MINUTES
JULY 14, 2004

Item to be added

- 3.19. **FIRE RESCUE ASSESSMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE TOWN OF DAVIE, FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR FIRE RESCUE ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2004; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE
- R-2004-171

Vice-Mayor Paul requested that items 3.9, 3.10, 3.11, 3.15 and 3.16 be removed from the Consent Agenda. Councilmember Hubert requested that item 3.8 be removed. Councilmember Hubert requested that item 3.16 be removed.

Vice-Mayor Paul made a motion, seconded by Mayor Truex, to approve the Consent Agenda minus items 3.8, 3.9, 3.10, 3.11, 3.13, 3.15, 3.16, and 3.18. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

4. DISCUSSION OF CONSENT AGENDA ITEMS

3.8 Councilmember Hubert clarified that this item concerned District 2, not District 1.

Councilmember Starkey made a motion, seconded by Councilmember Hubert, to approve. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

3.9 Vice-Mayor Paul asked for clarification on whether an amendment was needed to the capital budget projects. Public Works/Capital Projects Director Bruce Bernard explained that this was a line item bid and indicated that item 5.1 was an amendment to the capital projects.

Councilmember Starkey made a motion, seconded by Councilmember Hubert, to approve. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

3.10 and 3.11 Vice-Mayor Paul asked if it would be appropriate to ask for an annotation to be put on the plat that if any traffic concurrency was identified by Broward County, that it be done within the Town. Councilmember Starkey asked that she be notified when these issues were going to be discussed in her district. Mr. Willi indicated that the public participation program was not yet fully implemented as policy.

Mayor Truex asked Mr. Willi if the County would acknowledge where Council had made notations on specific plats. Mr. Willi advised that if Council approved specific plats, the County would discuss options that mitigation funds could be used for with Council.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to approve with the requesting that concurrency be within the Town. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

3.13 Vice-Mayor Paul wanted to discuss the implications of the increase in the homestead exemption. Councilmember Hubert was opposed to the amendment as she felt the Town would lose money. Vice-Mayor Paul stated that this sounded like a good idea but in the meantime, the Town depended on the County for this money and would have to make it up in other ways if it was reduced. Mayor Truex understood the point of the resolution, but was uncomfortable discussing this item and felt it was up to the voters. Councilmember Starkey felt it was still important to discuss this item as some residents may not know the full impact of the resolution on the Town as far as its budget was concerned.

TOWN COUNCIL MINUTES
JULY 14, 2004

Vice-Mayor Paul made a motion, seconded by Councilmember Hubert, to approve. In a voice vote, with Councilmember Crowley absent and with Mayor Truex dissenting, all voted in favor. (Motion carried 3-1)

3.15 Vice-Mayor Paul asked why this application was not sent back to the Site Plan Committee if there were changes. Planning and Zoning Manager Fernando Leiva explained why this action was not necessary at the time, as staff was waiting for approval from the Central Broward Drainage District.

Jay Evans, representing the petitioner, was not in favor of tabling.

Council decided to wait for Councilmember Crowley to arrive to discuss this item further.

Later in the meeting, Councilmember Starkey was concerned about unresolved drainage issues with Central Broward Control District. She was more comfortable waiting for Councilmember Crowley to address this issue as he attended the District meeting.

Vice-Mayor Paul made a motion, seconded by Mayor Truex, to table to August 4, 2004. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

3.16 Vice-Mayor Paul asked if this was a showroom or warehouse and whether furniture would be taken from this location for delivery elsewhere.

Dennis Mele, representing the applicant, explained that this was only a showroom and traffic would be minimal when trucks needed to re-stock items. He added that the petitioner did not deliver from this location. Vice-Mayor Paul confirmed that the only time tractor trailers would be coming in for the initial stocking of the showrooms and no floor samples would be sold from this location. Mr. Mele advised that this was correct. Rick Haslinger, representing the applicant, stated items were not sold from the showroom.

Vice-Mayor Paul was concerned about the ongoing discussions being held and asked whether they were held with Muvico and with Town staff. Mr. Mele responded in the affirmative. Vice-Mayor Paul voiced her concern about the County widening the road at Sheridan Street as she wanted some traffic relief to be created at Dykes Road. Mr. Mele indicated that concerns about the site plan on the agenda did not require more access as it generated less traffic. He felt that traffic was not a valid basis to deny the amendment.

Mayor Truex requested that a condition be added to limit truck traffic to re-stocking purposes. Councilmember Starkey was concerned about hours of operation. Mr. Haslinger indicated that the hours would be Monday to Saturday, from 10 a.m. to 9 p.m. and on Sundays from 11 a.m. to 6 p.m. Councilmember Starkey asked about limiting truck traffic. Mr. Haslinger stated that truck traffic would only come in first thing in the morning.

Mayor Truex asked if the unused trips were surrendered or would they be used for another outparcel. Mr. Mele indicated that they would not be used as the outparcels would be restaurants.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to approve, based on the Site Plan Committee's recommendations and that truck traffic be limited to re-stocking with deliveries done weekdays and in the mornings. In a roll call vote, with the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - absent; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 4-0)

3.18 Later in the meeting, Vice-Mayor Paul advised that she was not comfortable voting on this item as she felt not enough time had been given to Council to review the new documentation. Mr. Laystrom asked that Council hear this item over Vice-Mayor Paul's objections.

Councilmember Starkey expressed her frustration that the backup was not provided along with the tabling request. She questioned why staff felt that this needed to be tabled. Mr. Willi advised that

TOWN COUNCIL MINUTES

JULY 14, 2004

appraisals may not justify the contract price of \$3.4 million price. Councilmember Starkey felt that staff had delayed the appraisals when Council had directed that they be processed. She wanted the process to go forward and indicated that Council had an opt-out option of not considering the contract if the appraisal did not meet anticipated value. Mr. Willi objected to some of Councilmember Starkey's assertions and spelled out a timeline of events that led to his decision to request a tabling of this item. He sought direction from Council as to whether they would commit to making up the shortfall if FCT funding awarded less than \$1.7 million.

Mr. Kiar asked that the 45-day period be extended by 15 days, since the completion of the appraisal was expected after the 45-day window. He recommended amending the contract's date to reflect September 15, 2004 or the day after the Council's next meeting, so Council could discuss how to address the shortfall.

Mr. Laystrom indicated that he was not in favor of allowing a floating price on the contract, based on the contract, on the Town's two appraisals and on the 10%. He anticipated that if the appraisal amount did not rise to the \$3.4 million, he anticipated a counteroffer by the Town, or his client and the Town would go their separate ways.

Mayor Truex asked Mr. Kiar if the appraisal was too low or too much of a gap that the Town had the option to pull out. Mr. Kiar advised the Town had 45 plus 15 days for appraisals and due diligence efforts. He stated that if the Town opted out, Mr. Laystrom would have to be notified within the six-day period and all deposits would be refunded. He advised that if the grant application was not granted by September 15th, Council still had the option to pull out.

Councilmember Hubert advised that she had not voted on the item previously and she was concerned that the Town was spending \$3.4 million on what was essentially a lake. Programs Administrator Chris Kovanes indicated that the other funding needed would have to be lobbied for by staff. Mr. Laystrom outlined various scenarios where the Town could cancel the contract by September 15th and get its entire deposit back.

Assistant Town Administrator Ken Cohen indicated that if the \$300,000 deposit was needed, he wished that Council would authorize money from contingencies, then upon receipt of the grant, contingencies would be reimbursed.

Councilmember Starkey indicated the County Commission had addressed this issue and advised that Davie was still in the pipeline for receiving funding.

Vice-Mayor Paul asked if the September 15th date was realistic for hearing from the FCT. Mr. Cohen responded in the affirmative and indicated that the ultimate risk was the \$1.7 million balance.

Barry Lethbridge indicated that as the representative for the owners, he had received many offers. He stated that signing the contract would allow the Town to keep a cap on the contract price. Councilmember Hubert asked if the property was contaminated, who would bear the cost. Mr. Laystrom spoke of various scenarios to pay for cleanup. Council spoke of the various funding sources that may be required if the full grant funding was not provided.

Mayor Truex felt it was disgraceful to be panicking about the purchase of this parcel at this time. He stated that Council owed it to the Town to keep its commitment to acquiring more open space.

Councilmember Starkey indicated the Town had until September 15th to act without risk and she wanted to move forward. She felt not moving forward compromised the Council's position on acquiring open space. Vice-Mayor Paul advised that she wanted to be sure there was no risk to the Town. Mayor Truex advised that the risk was in September.

Karen Stenzel-Nowicki, 5480 SW 55 Avenue, wanted Council to note that back in December, the residents had lobbied the County to petition for funding for the acquisition of the parcel.

TOWN COUNCIL MINUTES

JULY 14, 2004

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve the contract with the amendments that Mayor Truex and Mr. Kiar had discussed with Mr. Laystrom regarding the September 14th meeting.

Mr. Kiar outlined the amendments as follows: 1) extend the inspection period through September 15, 2004; 2) that Council had until that date to terminate for any reason whatsoever and receive a full refund of all deposits; 3) that the August 15, 2004 date for the two appraisals would be deleted; and 4) that Mr. Laystrom would correct the addendum to reflect that the inspection would be September 15th. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - absent; Councilmember Hubert - yes. (Motion carried 4-0)

Councilmember Starkey made a motion, seconded by Mayor Truex, to direct staff to find reserves to put down the down payment in accordance with the contract, for staff to move forward with the County's acquisition for a grant, to try to acquire both using the Town lobbyist and staff resources; and that the money was going to be kept by the Town in a separate line.

Mr. Laystrom asked that he be allowed to involve himself to take a second shot at trying to raise points for the Town with DCA. In a voice vote, with Councilmember Crowley being absent, all voted in favor. (Motion carried 4-0)

Councilmember Starkey asked that a letter be placed on a future County agenda for consideration at the LPA to reflect that Council was moving quickly on the process of applying for a County bond with the LPA.

5. PUBLIC HEARING

Ordinance - Second and Final Reading

- 5.1. **AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
2004-23 **AUTHORIZING A REVISION TO THE CAPITAL PROJECTS FUND AND**
APPROPRIATIONS FOR THE FISCAL YEAR 2004. {Approved on First Reading
July 7, 2004 - all voted in favor}

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Starkey made a motion, seconded by Vice-Mayor Paul, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - absent; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 4-0)

Ordinances - First Reading (Second and Final Reading to be held on August 4, 2004)

- 5.2. **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE;
AMENDING SECTION 12-32 ENTITLED "TABLE OF PERMITTED USES"
PROVIDING FOR HOME OCCUPATION REGULATIONS; AMENDING SECTION
12-34(N) ENTITLED "HOME OCCUPATION" PROVIDING FOR INTENT, ZONING
DISTRICT LIMITATIONS AND USE CRITERIA FOR MUSIC LESSONS AND
STUDENT TUTORING IN SINGLE-FAMILY RESIDENTIAL NEIGHBORHOODS;
AMENDING SECTION 12-503 ENTITLED "DEFINITIONS" PROVIDING FOR
DEFINITIONS FOR HOME OCCUPATIONS; PROVIDING FOR SEVERABILITY;
PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN
EFFECTIVE DATE.

TOWN COUNCIL MINUTES
JULY 14, 2004

Town Clerk Muniz read the ordinance by title. Mayor Truex announced there would be a public hearing on this item on August 4, 2004

Mayor Truex opened the public hearing portion of the meeting.

Susan Mitchell, a former piano teacher, thanked Council for considering this issue.

As no one spoke, the public hearing was closed.

Mayor Truex felt the original intent of the ordinance was fine but that the requirements for some of the occupations, such as babysitting and music instruction, might be overkill. He felt that the definitions could be changed whereby people who taught one student at a time would not have to obtain an occupational license.

Councilmember Hubert stated that she had spoken to a resident and was concerned with licensing people who might be a danger to children. Mayor Truex indicated that this was why he did not want the Town to be involved with giving out licenses. Vice-Mayor Paul was concerned that giving out licenses might open a can of worms such as changing zoning, checking for ADA compliance, along with the difficulty of regulating these types of licenses. She also felt that most homeowners associations could regulate such activities.

Councilmember Starkey felt this regulation unfolded as a knee jerk reaction to a dispute in one particular instance. She stated that it would be extremely difficult for Council to regulate this at all times. Councilmember Starkey did not think it was not appropriate for home tutors to have to go through the process of licensing. She indicated that noise and traffic issues should be addressed through the Codes and ordinances regulating such problems.

Mr. Willi agreed that this ordinance was an instance of over regulation. He recommended that Council table this item until staff reworded the ordinance appropriate to one-on-one home instruction.

Vice-Mayor Paul made a motion, seconded by Mayor Truex, to table to the first meeting in September, subject to staff changing the ordinance to exempt one-on-one academic and music tutoring to have no requirement for occupational licenses. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - absent; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 4-0)

5.3. CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE VIII, SECTION 12-503 AND 12-238 THEREOF RELATING TO DEFINITIONS AND GENERAL REGULATIONS; PROVIDING FOR A NON-COMMERCIAL SIGN EXEMPTION; PERMIT APPLICATION AND APPEAL PROCEDURES; SEVERABILITY; INCLUSION IN THE TOWN CODE; AND AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title. Mayor Truex announced there would be a public hearing on this item on August 4, 2004 meeting.

Mayor Truex opened the public hearing portion of the meeting.

Sylvia Clements asked whether this was the billboard ordinance. Mayor Truex asked Special legal counsel Mike Burke to explain the ordinance.

Mayor Truex closed the public hearing.

Mr. Burke explained why the Code was necessary. Mayor Truex asked if this sign was smaller than the standard political sign and felt that regulating real estate signs would be a bad idea. Mr. Burke felt that this Code would not address this as such signs were considered temporary signs. He explained that the ordinance would allow a permanent sign. Councilmember Starkey hoped there was no language prohibiting homeowners associations from not allowing this. Mr. Burke said this was the case.

Vice-Mayor Paul indicated that agricultural property did not need a permit for a sign. Mr. Willi clarified that the signs needed to be agricultural in nature and on agricultural property.

TOWN COUNCIL MINUTES

JULY 14, 2004

Vice-Mayor Paul asked about referral signs used by businesses to inform people that a company was doing work at a certain locale. Mr. Burke indicated that the new Code would not address such signs and advised that most cities generally had provisions that addressed such signs. Mr. Leiva indicated that those signs were considered temporary.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - absent; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 4-0)

Quasi-Judicial Item

- 5.4. **VARIANCE** - V 4-2-04, Bass, 2800 SW 148 Avenue (A-1) (to reduce the minimum 30 feet side setback from the property line from to 25 feet) *Planning and Zoning Board recommended denial*

Mr. Kiar read the rules of evidence and swore in the witnesses. Mr. Leiva summarized the planning report.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Hubert felt the Town should observe the Codes that were relevant when the applicant's house was built.

Richard Bass, the petitioner, explained the nature of the variance request and indicated that the date of the meeting was incorrect in the notice.

Vice-Mayor Paul asked if staff had visited the site and seen if the addition could be placed anywhere else on the property.

Mr. Kiar felt that if the notification date was incorrect, then the item should be tabled.

Vice-Mayor Paul was in favor of the variance and felt this house was in line with the rural lifestyle initiative.

Mayor Truex advised that Council would need to table this item to the next meeting. Mayor Truex recommended that Mr. Bass attend the next meeting and advised that staff would send out notices again.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to table. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - absent; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 4-0)

6. APPOINTMENTS

- 6.1. Agricultural Advisory Board (one exclusive appointment - Councilmember Starkey; term expires April 2006) (insofar as possible, members shall have experience in agricultural matters, related occupations or other similar skills)

No appointment was made.

- 6.2. Child Safety Board (Councilmember Crowley and Starkey and Mayor Truex; terms expire April 2006) (whenever possible, members shall have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointments were made.

- 6.3. Open Space Advisory Committee Agency (one exclusive appointment - Mayor Truex; term expires April 2006)

No appointment was made.

TOWN COUNCIL MINUTES
JULY 14, 2004

- 6.4. School Advisory Board (one exclusive appointment - Mayor Truex; term expires April 2006) (insofar as possible, members are to have experience in educational matters)

No appointment was made.

- 6.5. Senior Citizen Advisory Committee (one exclusive appointment - Councilmembers Crowley and Hubert and Mayor Truex; terms expire April 2006) (members shall be a minimum 60 years of age)

No appointment was made.

- 6.6. Advisory Board (one exclusive appointment - Mayor Truex; term expires April 2006) (insofar as possible, one member shall be a licensed engineer)

No appointment was made.

7. OLD BUSINESS

There was no old business to be discussed.

8. NEW BUSINESS

Vice-Mayor Paul voiced her concerns regarding placement of stop signs by the County. She advised that she had spoken with Jean Carroll who had been asking for a four-way stop on the corner of 20th and 145th for years, which the County had been denying. Vice-Mayor Paul stated that a few weeks ago, the County had placed a four-way stop sign at the corner of 21st and 145th. She indicated that Ms. Carroll had contacted the County thinking it was a mistake but the County had advised the sign would be removed. Vice-Mayor Paul stated that this would cause a "longer shot" from 16th to 26th with no stop sign and would now be a raceway. She said that when the Town requested a stop sign, the Town knew the area. Vice-Mayor Paul advised that the Town had also requested three-way stop signs along 14th Street at 148th and 145th because drivers could not get out. Vice-Mayor Paul wanted Council to address what could be done in instances when the Town requested stop signs which were refused by the County.

Councilmember Starkey wanted the Town to be able to exert its own control over such issues. Vice-Mayor Paul advised that she was working on this issue with County Commissioner Lori Parrish. Mayor Truex felt the best bet was to discuss this with the County Commission. Councilmember Starkey felt incorporating a local transportation plan in the Amendment and Comp Plan would help the Town determine its own local traffic concurrency issues before they were looked at by the County.

Mr. Leiva indicated that the EAR process would address some of these issues. He recommended that improvements be addressed on a comprehensive scale rather than as isolated issues.

9. MAYOR/COUNCILMEMBER'S COMMENTS
COUNCILMEMBER HUBERT.

Lisa Strong. Councilmember Hubert spoke of progress on the Lisa Strong project.

COUNCILMEMBER STARKEY.

Math Igler. Councilmember Starkey spoke of the Math Igler Grove proceeding and requested an update on the contract with Home Dynamics and the mitigation efforts.

VICE-MAYOR PAUL

Annexation Committee. Vice-Mayor Paul advised she had attended the League of Cities annexation committee meeting. She indicated that the committee wanted to establish a due diligence package and needed different communities' input on criteria on what should be included in the package.

TOWN COUNCIL MINUTES
JULY 14, 2004

Seminole Indian Tribe. Vice-Mayor Paul spoke of a book outlining the history of the Seminole Indian Tribe.

Landscaping Department. Vice-Mayor Paul wanted to see the landscaping inspectors and the Urban Forester position turned into a separate department with full authority to oversee projects and enforce site plan conditions. She advised that the Open Space Advisory Committee was very concerned about landscaping and was working on providing recommendations for landscaping resolutions.

Councilmember Starkey asked that the Town certify some of its own properties and incorporate naturescapes within the Town.

Mayor Truex wanted to hear what staff and the Open Space Advisory Committee recommended on this issue. He did not feel there was a necessity to spin off landscaping as a separate department.

MAYOR TRUEX.

Sunshine State Games. Mayor Truex congratulated Dean Alexander for his bronze medal in fencing in the Sunshine State Games.

Land Trust Board. Mayor Truex spoke of the Davie Land Trust Board and encouraged residents to participate if they were still interested.

State Road 7 Charette. Mayor Truex advised that the State Road 7 Charette would be held on July 17th in the Community Room.

Annexation. Mayor Truex asked if a draft of an annexation agreement had been sent to Pine Island Ridge. Mr. Willi indicated that he would distribute the agreement to Council. Mayor Truex asked if the process to annex Pine Island Ridge was being expedited. Mr. Willi indicated that he did not see anything in the timetable that could be expedited further.

10. TOWN ADMINISTRATOR'S COMMENTS

New Planner. Mr. Leiva introduced a new Planning and Zoning staff member, Erin Degutis and spoke of her background and qualifications.

11. TOWN ATTORNEY'S COMMENTS

Berman Mitigation. Mr. Kiar advised of the progress of the closing on the Berman mitigation parcel.

3.19 Mr. Willi clarified staff's reason for adding this item which Council had approved under the Consent Agenda. Mayor Truex indicated that he hoped the amount would be well under the amount shown in the resolution.

Councilmember Starkey spoke of the variance that was granted at the last Council meeting and it was mentioned that the developer was making a voluntary donation for trees. She thought these types of offers should be made separately from the variance as it had nothing to do with how Council voted. Mr. Willi advised that staff agreed and indicated that the petitioner made the donation.

12. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 10:16 p.m.

Approved _____

Mayor/Councilmember

Town Clerk

* * * * *

THIS PAGE
INTENTIONALLY
LEFT BLANK

* * * * *